

By: Talarico

H.B. No. 5316

A BILL TO BE ENTITLED

AN ACT

relating to the Independent Citizen Redistricting Commission and the redistricting of the districts used to elect members of the United States House of Representatives, the Texas Legislature, and the State Board of Education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Title 5, Government Code, is amended to read as follows:

TITLE 5. OPEN GOVERNMENT; ETHICS; REDISTRICTING

SECTION 2. Title 5, Government Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. REDISTRICTING

CHAPTER 581. INDEPENDENT CITIZEN REDISTRICTING COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Census year" means a calendar year in which the United States decennial census is taken.

(2) "Commission" means the Independent Citizen Redistricting Commission established by Section 28b, Article III, Texas Constitution.

(3) "Immediate family member" means a person's spouse, parent, child, sibling, in-law, or other individual with whom the person has a bona fide family relationship established through blood or legal relation.

1 (4) "Majority party" means, with respect to a
2 commission member, the political party with the most total votes
3 cast in the four statewide primary elections preceding the member's
4 appointment.

5 (5) "Minority party" means, with respect to a
6 commission member, the political party with the second highest
7 number of total votes cast in the four statewide primary elections
8 preceding the member's appointment.

9 (6) "Statewide primary election" means an election
10 held by a political party to select its nominee for governor or for
11 president of the United States. The term does not include a runoff
12 primary election.

13 Sec. 581.002. REDISTRICTING AUTHORITY. The Independent
14 Citizen Redistricting Commission exercises the legislative
15 authority of this state to adopt redistricting plans establishing
16 or modifying district boundaries for the election of the members of
17 the United States House of Representatives elected from this state,
18 the members of the Texas Senate, the members of the Texas House of
19 Representatives, and the members of the State Board of Education. A
20 plan for those district boundaries may be established or modified
21 only by the commission as provided by this chapter.

22 SUBCHAPTER B. MEMBERSHIP; POWERS AND DUTIES

23 Sec. 581.051. COMMISSION. (a) Not later than December 31
24 of each census year, the members of the Independent Citizen
25 Redistricting Commission shall be appointed and the commission
26 shall commence the redistricting process for the election of the
27 members of the United States House of Representatives elected from

this state, the members of the Texas Senate, the members of the Texas House of Representatives, and the members of the State Board of Education in connection with the census taken that year.

(b) The commission members shall:

(1) conduct an open and transparent process enabling full public consideration of, and comment on, the drawing of district boundaries;

(2) draw district boundaries according to the redistricting criteria specified in this chapter; and

(3) conduct themselves with integrity and fairness.

(c) The selection process for commission members is designed to produce a commission that is independent from legislative influence and reasonably representative of this state's diversity.

(d) The commission consists of 14 members as follows:

(1) five majority party members, each of whom:

(A) voted in at least two of the statewide primary elections in the five years preceding the member's appointment held by the majority party;

(B) did not vote in any of the four statewide primary elections preceding the member's appointment held by a political party other than the majority party; and

(C) voted in at least two of the three general elections preceding the member's appointment in which the office of governor or president of the United States appeared on the ballot;

(2) five minority party members who:

(A) voted in at least two of the statewide

primary elections in the five years preceding the member's appointment held by the minority party;

(B) did not vote in any of the four statewide primary elections preceding the member's appointment held by a political party other than the minority party; and

(C) voted in at least two of the three general elections preceding the member's appointment in which the office of governor or president of the United States appeared on the ballot; and

(3) four independent members who:

(A) did not vote in any statewide primary elections in the five years preceding the member's appointment; and

(B) voted in at least two of the three general elections preceding the member's appointment in which the office of governor or president of the United States appeared on the ballot.

Sec. 581.052. TERM OF OFFICE. The term of office of each commission member expires at the time the first commission member is appointed in the next census year.

Sec. 581.053. QUORUM AND VOTING. Nine commission members constitute a quorum. The affirmative vote of at least nine commission members is required for any official commission action. Each final redistricting map must be approved by the affirmative vote of at least nine commission members, including at least three majority party members, at least three minority party members, and at least three independent members, as provided by Section 581.051(d).

Sec. 581.054. PROHIBITED ACTIVITIES. A commission member

1 is ineligible for a period of 10 years beginning on the date of
2 appointment to hold a federal, state, or county office elected from
3 this state. A commission member is ineligible for a period of five
4 years beginning on the date of appointment to:

5 (1) hold an appointed federal office representing this
6 state;

7 (2) hold an appointed state or local office in this
8 state;

9 (3) serve as a paid employee of or as a paid consultant
10 to:

11 (A) a member of the United States Congress
12 elected from this state;

13 (B) the legislature; or

14 (C) a member of the legislature; or

15 (4) register as a lobbyist in this state.

16 Sec. 581.055. APPLICATIONS. (a) Not later than January 1
17 of each census year, the state auditor shall initiate an
18 application process for commission members.

19 (b) The process must be open to all registered voters of
20 this state and promote a diverse and qualified applicant pool.

21 Sec. 581.056. APPLICANT REVIEW PANEL. (a) The state
22 auditor shall establish an applicant review panel consisting of
23 three interested citizens to screen applicants. The state auditor
24 shall randomly draw the names of three interested citizens from a
25 pool consisting of all citizens who have applied under procedures
26 established by the state auditor to serve on the applicant review
27 panel. The state auditor shall draw until the names of three

interested citizens have been drawn, including:

(1) one who would qualify as a majority party member of the commission under Section 581.051(d)(1);

(2) one who would qualify as a minority party member of the commission under Section 581.051(d)(2); and

(3) one who would qualify as an independent member of the commission under Section 581.051(d)(3).

(b) After the drawing under Subsection (a), the state auditor shall notify the three citizens whose names have been drawn that they have been selected to serve on the panel. If any of the three citizens decline to serve on the panel, the state auditor shall resume the random drawing until three citizens who meet the requirements of Subsection (a) have agreed to serve on the panel.

(c) An individual may not serve on the panel if the individual has a conflict of interest described by Section 581.057.

Sec. 581.057. CONFLICTS OF INTEREST. (a) The state auditor shall remove an applicant with a conflict of interest from the applicant pool, including an applicant:

(1) who at any point during the 10 years preceding the application date:

(A) was appointed or elected to, or was a candidate for, federal or state office;

(B) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office;

(C) served as an elected or appointed member of a political party's executive committee;

1 (D) was a registered lobbyist;

2 (E) served as a paid staff member for the United
3 States Congress; or

4 (F) contributed at least \$2,000 or the amount
5 provided by Subsection (b) to any congressional or state candidate
6 for elective public office in any year;

7 (2) with an immediate family member who would be
8 disqualified as an applicant under Subdivision (1); or

9 (3) who is an employee of, a consultant to, party to a
10 contract with, or an immediate family member of the governor, a
11 member of the legislature, or a member of the United States
12 Congress.

13 (b) On January 1 of each year ending in the numeral 9, the
14 contribution amount prescribed by Subsection (a)(1)(F) is
15 increased or decreased by an amount equal to the amount prescribed
16 by that paragraph on December 31 of the preceding year multiplied by
17 the percentage increase or decrease during the preceding decade in
18 the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City
19 Average, as published by the United States Bureau of Labor
20 Statistics or its successor in function.

21 Sec. 581.058. SELECTION OF APPLICANT SUBPOOLS. (a) After
22 removing individuals with conflicts of interest from the applicant
23 pool under Section 581.057, the state auditor shall, not later than
24 August 1 of each census year, publicize the names of individuals in
25 the applicant pool.

26 (b) From the applicant pool described by Subsection (a), the
27 applicant review panel shall select:

1 (1) a majority subpool consisting of 20 of the most
2 qualified applicants who would qualify as majority party members
3 under Section 581.051(d)(1);

4 (2) a minority subpool consisting of 20 of the most
5 qualified applicants who would qualify as minority party members
6 under Section 581.051(d)(2); and

7 (3) an independent subpool consisting of 20 of the
8 most qualified applicants who would qualify as independent members
9 under Section 581.051(d)(3).

10 (c) The applicant review panel shall select the members of
11 the applicant subpools based on relevant analytical skills, ability
12 to be impartial, and appreciation for this state's diverse
13 demographics and geography.

14 (d) Not later than October 1 of each census year, the
15 applicant review panel shall present the members of the applicant
16 subpools to the caucus leaders of the majority party and minority
17 party of each house of the legislature as described by Section
18 581.059.

19 (e) Before presenting the applicant subpools as provided by
20 Subsection (d), a member of the applicant review panel may not
21 communicate with:

22 (1) a member, or a representative of a member, of the
23 United States Congress, the Texas Legislature, or the State Board
24 of Education about any matter related to the selection process; or

25 (2) a member of the applicant pool.

26 Sec. 581.059. STRIKES BY CAUCUS LEADERS. (a) Not later
27 than November 15 of each census year, the caucus leaders of the

1 majority party and minority party of each house of the legislature
2 may each strike up to two applicants from each applicant subpool
3 under Section 581.058(b), for a total of eight possible strikes per
4 applicant subpool.

5 (b) After all strikes have been made as provided by
6 Subsection (a), the caucus leaders shall present the remaining
7 members of each applicant subpool to the state auditor.

8 Sec. 581.060. DRAWING TO SELECT FIRST EIGHT COMMISSION
9 MEMBERS. Not later than November 20 of each census year, the state
10 auditor shall select the first eight members of the commission by
11 randomly drawing:

12 (1) three applicants from the majority subpool who
13 were not struck under Section 581.059;

14 (2) three applicants from the minority subpool who
15 were not struck under Section 581.059; and

16 (3) two applicants from the independent subpool who
17 were not struck under Section 581.059.

18 Sec. 581.061. APPOINTMENT OF SECOND SIX COMMISSION MEMBERS.
19 (a) Not later than December 31 of each census year, the eight
20 commission members selected under Section 581.060 shall review the
21 remaining names in each applicant subpool and appoint to the
22 commission:

23 (1) two remaining applicants from the majority subpool
24 who were not struck under Section 581.059;

25 (2) two remaining applicants from the minority subpool
26 who were not struck under Section 581.059; and

27 (3) two remaining applicants from the independent

1 subpool who were not struck under Section 581.059.

2 (b) An appointment under Subsection (a) must be approved by
3 at least five affirmative votes of commission members selected
4 under Section 581.060, including at least two votes of commission
5 members drawn from the majority subpool, at least two votes of
6 commission members drawn from the minority subpool, and at least
7 one vote of a commission member drawn from the independent subpool.

8 (c) In making appointments under Subsection (a), the
9 commission members shall ensure that the commission reflects this
10 state's diversity, including racial, ethnic, geographic, and
11 gender diversity. However, the legislature does not intend that
12 formulas or specific ratios be applied for this purpose.

13 (d) Appointments under Subsection (a) shall also be made
14 based on relevant analytical skills and the ability to be
15 impartial.

16 SUBCHAPTER C. ORGANIZATION OF COMMISSION

17 Sec. 581.101. OFFICERS. The commission shall select by a
18 vote of at least two-thirds of its members one member as chair and
19 one member as vice chair. The chair and vice chair may not both be
20 majority party members, minority party members, or independent
21 members as described by Section 581.051(d).

22 Sec. 581.102. REMOVAL OF COMMISSION MEMBER. (a) After
23 having been served written notice and provided with an opportunity
24 for a response, a commission member may be removed by the governor
25 with the concurrence of two-thirds of the members of the senate for
26 substantial neglect of duty, gross misconduct in office, or
27 inability to discharge the duties of office.

1 (b) A commission member removed for substantial neglect of
2 duty or gross misconduct in office may be referred to the attorney
3 general for criminal investigation or to an appropriate
4 administrative agency for investigation.

5 Sec. 581.103. VACANCY. (a) A vacancy on the commission
6 shall be filled, not later than the 30th day after the date the
7 vacancy occurs, by appointment by the commission of a remaining
8 applicant who was not struck under Section 581.059 from the same
9 applicant subpool as the vacating member.

10 (b) If a vacancy on the commission occurs and no applicant
11 from the same applicant subpool as the vacating member is available
12 for appointment to the commission, the state auditor and an
13 applicant review panel shall solicit and select an appropriate
14 number of new applicants for the applicable subpool using, to the
15 extent practicable, the procedures provided by Sections 581.055,
16 581.056, 581.057, and 581.058(a)-(c) but disregarding the
17 deadlines provided by those sections. The commission shall fill the
18 vacancy as soon as practicable by appointment of one of the new
19 applicants described by this subsection.

20 Sec. 581.104. BUDGET. The legislature may appropriate to
21 the state auditor, the secretary of state, and the commission
22 amounts sufficient to implement the redistricting process required
23 by this chapter.

24 SUBCHAPTER D. COMMISSION POWERS AND DUTIES

25 Sec. 581.151. REDISTRICTING PLAN; STANDARDS. (a) The
26 commission shall establish districts described by Section 581.002
27 through a mapping process using the following criteria in the

following order of priority:

(1) districts must comply with the United States Constitution;

(2) districts must achieve population equality as nearly as is practicable;

(3) districts must comply with the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

(4) districts must be geographically contiguous;

(5) the geographic integrity of each municipality, county, local neighborhood, and local community of interest must be respected in a manner that minimizes its division to the extent possible without violating the requirements of any of the preceding subdivisions; and

(6) to the extent practicable and to the extent that compliance with this subdivision does not preclude compliance with any of the preceding subdivisions, districts must be drawn to encourage geographical compactness so that nearby areas of population are not bypassed for more distant areas of population.

(b) For purposes of Subsection (a)(5), a community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of that population's effective and fair representation. Communities of interest may not be determined based on relationships with political parties, incumbents, or political candidates.

(c) The place of residence of any incumbent or political candidate may not be considered in the creation of a map. Districts

1 may not be drawn for the purpose of favoring or discriminating
2 against an incumbent, political candidate, or political party. The
3 commission may not consider existing or previously used boundary
4 lines for districts used to elect members of the United States House
5 of Representatives, Texas Legislature, or State Board of Education
6 when drawing districts.

7 (d) Not later than September 15 of each year following a
8 census year, the commission shall approve a final map that sets
9 forth the boundary lines of the districts for the election of the
10 members of the United States House of Representatives elected from
11 this state, the members of the Texas Senate, the members of the
12 Texas House of Representatives, and the members of the State Board
13 of Education. On approval, the commission shall certify each final
14 map to the secretary of state.

15 (e) The commission shall issue, with the final map, a report
16 that explains the basis on which the commission made its decisions
17 in achieving compliance with the criteria listed in Subsection (a)
18 and shall include definitions of the terms and standards used in
19 drawing the final map.

20 (f) If the commission fails to approve a final map with the
21 vote and by the date required by this section, the secretary of
22 state shall immediately petition the Texas Supreme Court for an
23 order directing the appointment of special masters to adjust the
24 boundary lines of the districts required to be included in that map
25 in accordance with the redistricting criteria and requirements
26 provided by Subsections (a), (b), and (c). On approval of the
27 special masters' map, the Texas Supreme Court shall certify the map

1 to the secretary of state and the map constitutes the certified
2 final map for the districts included in the map.

3 (g) The boundary lines of the districts contained in a
4 certified final map apply beginning with the next statewide general
5 election and any corresponding primary elections.

6 Sec. 581.152. OPEN MEETINGS. (a) The commission is a
7 governmental body for purposes of Chapter 551.

8 (b) Notwithstanding Chapter 551, the secretary of state
9 must post notice on the secretary of state's Internet website of a
10 meeting of the commission for at least:

11 (1) 14 days before the date of a meeting, other than a
12 meeting described by Subdivision (2); or

13 (2) three days before the date of a meeting held in
14 September of a year following a census year.

15 (c) Except in a closed meeting authorized by Subchapter D,
16 Chapter 551, a member or employee of the commission may not
17 communicate with or knowingly receive communications about a
18 redistricting matter from anyone outside of an open meeting.

19 Sec. 581.153. PUBLIC INFORMATION. (a) The commission is a
20 governmental body for purposes of Chapter 552.

21 (b) The commission shall post information relating to
22 redistricting and all data considered by the commission in a manner
23 that ensures immediate and widespread public access.

24 Sec. 581.154. EMPLOYEES AND CONTRACTORS. (a) The
25 commission may hire employees and hire or contract with legal
26 counsel and consultants as needed in the manner provided by this
27 section.

1 (b) The commission must make hiring, removal, or
2 contracting decisions for employees, legal counsel, and
3 consultants by the affirmative vote of at least nine members,
4 including at least three majority party members, at least three
5 minority party members, and at least three independent members as
6 described by Section 581.051(d).

7 (c) The commission shall ensure that at least one of the
8 legal counsel hired by the commission has demonstrated extensive
9 experience and expertise in implementing and enforcing the federal
10 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

11 (d) The commission shall establish for individuals
12 described by Subsection (a):

13 (1) clear criteria for hiring and removal;

14 (2) communication protocols; and

15 (3) a code of conduct.

16 (e) To the extent practicable, the commission shall avoid
17 selecting employees, legal counsel, or consultants who would be
18 disqualified from commission membership because of a conflict of
19 interest described by Section 581.057(a).

20 Sec. 581.155. PUBLIC OUTREACH. (a) The commission shall
21 establish and implement an open hearing process for public input
22 and deliberation that is subject to public notice and promoted
23 through a thorough outreach program to solicit broad public
24 participation in the redistricting public review process.

25 (b) The hearing process must include hearings to receive
26 public input before the commission draws any maps and hearings
27 following the drawing and display of any commission maps. In

1 addition, the commission shall supplement hearings with other
2 appropriate activities to further increase opportunities for the
3 public to observe and participate in the review process.

4 (c) The commission shall hold a public hearing in each
5 proposed congressional district and display maps for public comment
6 in a manner designed to achieve the widest public access reasonably
7 possible.

8 (d) The commission shall publicly display a preliminary map
9 for each district for any office and shall accept public comment for
10 at least 14 days after the date the preliminary map is first
11 publicly displayed. The commission may not display any other maps
12 for public comment during that 14-day period.

13 (e) The commission shall review all public comment and other
14 testimony received at each hearing and make any necessary revisions
15 before approving a final map.

16 (f) The commission shall make an audiovisual recording of
17 each hearing conducted under this section and ensure the recording
18 is made publicly available on the legislature's Internet website
19 not later than 48 hours after the hearing concludes.

20 Sec. 581.156. LEGAL CHALLENGE. (a) The commission has sole
21 standing to defend a legal challenge to a final map certified under
22 Section 581.151 before a court other than the Texas Supreme Court or
23 a Texas court of appeals. The legislature may provide adequate
24 funding and other resources to the commission to defend a certified
25 final map. The attorney general shall, at the commission's request,
26 represent the commission in defense of a certified final map. The
27 commission may, in its sole discretion, retain legal counsel other

1 than the attorney general to represent the commission in defense of
2 a certified final map before a court other than the Texas Supreme
3 Court or a Texas court of appeals.

4 (b) Any registered voter in this state may file a petition
5 for a writ of mandamus or writ of prohibition, not later than the
6 45th day after a final map is certified to the secretary of state,
7 to bar the secretary of state from implementing the map on the
8 grounds that the map violates the Texas Constitution, the United
9 States Constitution, or any federal or state statute.

10 (c) If the court determines that a final certified map
11 violates the Texas Constitution, the United States Constitution, or
12 any federal or state statute, the court shall fashion the relief
13 that the court deems appropriate, including the relief described by
14 Section 581.151(f).

15 SUBCHAPTER E. ADMINISTRATIVE SUPPORT AND OTHER RESOURCES

16 Sec. 581.201. ADMINISTRATIVE SUPPORT BY SECRETARY OF STATE.
17 Following the appointment of new commission members in each census
18 year, the secretary of state shall provide administrative support
19 to the commission until the commission's staff and office are fully
20 functional.

21 Sec. 581.202. PER DIEM AND EXPENSES. (a) A commission
22 member is entitled to a per diem of \$300 or the amount provided by
23 Subsection (b) for each day the member is engaged in commission
24 business.

25 (b) On January 1 of each census year the per diem amount
26 prescribed by Subsection (a) is increased or decreased by an amount
27 equal to the amount prescribed by that subsection on December 31 of

1 the preceding year multiplied by the percentage increase or
2 decrease during the preceding decade in the Consumer Price Index
3 for All Urban Consumers (CPI-U), U.S. City Average, as published by
4 the United States Bureau of Labor Statistics or its successor in
5 function.

6 (c) A commission member is eligible for reimbursement of
7 expenses incurred in connection with the member's performance of
8 duties under this chapter.

9 (d) For purposes of calculating expense reimbursement, a
10 member's residence is considered to be the member's place of
11 employment.

12 SECTION 3. Section 2058.002(a), Government Code, is amended
13 to read as follows:

14 (a) The legislature or the Independent Citizen
15 [Legislative] Redistricting Commission ~~[Board under Article III,~~
16 ~~Section 28, of the Texas Constitution]~~ may officially recognize or
17 act on a federal decennial census before September 1 of the year
18 after the calendar year during which the census was taken.

19 SECTION 4. Chapter 581, Government Code, as added by this
20 Act, applies only in relation to a United States decennial census
21 taken on or after January 1, 2030. The establishment or
22 modification of district boundaries in connection with a United
23 States decennial census taken before that date, including any legal
24 challenge, is governed by the law in effect immediately before the
25 effective date of this Act, and the former law is continued in
26 effect for that purpose.

27 SECTION 5. This Act takes effect September 1, 2029, but only

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1 if the constitutional amendment proposed by the 89th Legislature,
2 Regular Session, 2025, to establish the Independent Citizen
3 Redistricting Commission to redistrict the Texas Legislature,
4 Texas congressional districts, and State Board of Education
5 districts and revising procedures for redistricting is approved by
6 the voters. If that proposed constitutional amendment is not
7 approved by the voters, this Act has no effect.